

REMARKS

Claims 1 and 17 are amended herein and claims 2-3, 6-7, 9-16 and 19-20 are canceled herein. Support for the amendment to the claims is found, for example, in Examples 1 and 2 of the specification, wherein a triphenyl phosphate and a triauryl phosphate are used, respectively. Hence no issues of new matter are presented. Upon entry of the Amendment, claims 1, 4-5, 8, and 17-18 will be all of the claims pending in the application.

I. Restriction

Applicants acknowledge the Examiner's statement in the first paragraph on page 2 of the Office Action that species A1 and A2 are considered to be a single species.

II. Claim Rejections Under 35 U.S.C. § 103

A. Tojima et al

Claims 1, 2, 5, 17 and 18 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Tojima et al, US '621.

The Examiner asserts that Tojima et al teach a heat transfer sheet comprising a substrate, a light-heat conversion layer which can contain a compound having a phosphate group and an image formation layer. It is the Examiner's position that it would have been obvious to one of ordinary skill in the art to determine the optimum operating conditions through routine experimentation, thereby rendering the claimed invention unpatentable, absent a showing of unexpected results.

Applicants respectfully traverse the rejection. Tojima et al teaches a perfluoro phosphate surfactant and the effect thereof to improve sensitivity as a result of improved peelability between an intermediate layer and an image formation layer. On the other hand, the present

invention uses a compound having a phosphate group or a phosphite group which has no halogen atom, and the effect thereof is to improve image quality and stability during storage, and to prevent deterioration of a coating solution. Deterioration of sensitivity, stability during storage and of a coating solution result from decomposition of an infrared absorbing colorant; the compound having the phosphate group or the phosphite group which has no halogen atom can quench a nucleophilic species which causes decomposition of the infrared absorbing colorant. Thus, the invention of Tojima et al and the present invention differ in configuration, effect and action. Therefore one of ordinary skill in the art would not have had a reasonable expectation of success in achieving the claimed invention based upon the disclosure of Tojima.

Accordingly, Applicants respectfully request withdrawal of the rejection.

B. Tojima et al in view of Mitsuru et al

Claims 4 and 8 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Tojima et al in view of Mitsuru et al.

The Examiner states that Mitsuru et al teaches that it is conventional in the art of heat transfer sheets having a light-heat conversion layer to employ an image formation layer comprising a pigment and an amorphous organic polymer. It is the Examiner's position that in view of the generic disclosure of image formation layers in Tojima et al, it would have been obvious to one of ordinary skill in the art to use the specific image forming layer of Mitsuru et al in the invention of Tojima et al for improved sensitivity and reduced fog.

The Examiner states that the prior art fails to teach or suggest a phosphate compound in the light-heat conversion layer of a heat transfer [sheet].

Applicants respectfully traverse the rejection. Tojima et al does not teach or suggest the presently claimed invention as recited in claim 1 as discussed above. Since claims 4 and 8 ultimately depend from claim 1 they are distinguished over Tojima et al for at least the same reasons.

Mitsuru does not remedy the deficiencies of Tojima et al. Mitsuru et al teaches a light-heat-conversion compound which is not decomposed and is not intended to prevent decomposition of the light-heat-conversion compound. Therefore, there is no motivation for one of ordinary skill in the art to combine Tojima et al and Mitsuru. Further one of ordinary skill in the art would not have had a reasonable expectation of achieving the claimed invention based upon the disclosures of Tojima et al and Mitsuru.

Accordingly, Applicants respectfully request withdrawal of the rejection.

III, Conclusion

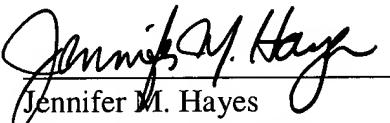
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 09/836,233

Attorney Docket No.: Q64100

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Jennifer M. Hayes
Registration No. 40,641

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE



23373

PATENT TRADEMARK OFFICE

Date: July 1, 2003